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10/698,620

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EXAMINER

THOMAS, BRANDI N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,620	Applicant(s) ISHII, FUSAO	
	Examiner BRANDI N. THOMAS	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US 2004/0125347) in view of Bolken et al. (6576496 B1).

Regarding claim 1, Patel et al. discloses, in figures 2 and 3A, an electromechanical micromirror device (200), comprising: a single substrate (202) with a bottom surface and a top surface; control circuitry (not shown, figure 2 shows the second surface of the device substrate), and a micromirror section (215) disposed on said second surface of said single substrate, wherein said micromirror section (215) comprises: a micromirror (201), and at least one support structure (230) for supporting said micromirror (201) (section 0047, lines 6-13) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate and connectors opened through said single substrate for connecting said control circuit to said support structure. Bolken et al. disclose a single semiconductor substrate (claim 1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14) and connectors (26) opened through said single substrate (10) for connecting said control circuit to said support structure (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device

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of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 2 and 35, Patel et al. discloses, in figures 2 and 3A, an electromechanical micromirror device (200), wherein said control circuitry comprising a circuit selected from the group consisting of: CMOS circuits, NMOS circuits, PMOS circuits, bipolar circuits, BiCMOS circuits, DMOS circuits, HEMT circuits, amorphous silicon thin film transistor circuits, polysilicon thin film transistor circuits, SiGe transistor circuits, SiC transistor circuits, GaN transistor circuits, GaAs transistor circuits, InP transistor circuits, CdSe transistor circuits, organic transistor circuits, and conjugated polymer transistor circuits (section 0043, lines 7-8) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate. Bolken et al. disclose a single semiconductor substrate (claim 1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 3, 19, and 36, Patel et al. discloses, in figures 2 and 3A, an electromechanical micromirror device (200), wherein said single substrate (201) comprising a substrate selected from the group consisting of a silicon-on-insulator (SOI) substrate, a silicon substrate, polycrystalline silicon substrate, glass substrate, plastic substrate, ceramic substrate, germanium substrate, SiGe substrate, SiC substrate, sapphire substrate, quartz substrate, GaAs substrate, and an InP substrate (section 0047, line 8) but does not specifically disclose having

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said via connectors from said bottom surface to said top surface through said single substrate.

Bolken et al. disclose a single semiconductor substrate (claim1, line 1) having said via connectors (26) from said bottom surface to said top surface through said single substrate (10) (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 4, 20, and 37, Patel et al. discloses, in figures 2, 3A, and 4C, an electromechanical micromirror device (200), wherein said micromirror section (215) additionally comprises at least 1 addressing electrode (283) for actuating said micromirror (201) (section 0047, lines 16-18) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 5, 21, and 38, Patel et al. discloses, in figures 2, 3A, and 3C, an electromechanical micromirror device (200), additionally comprising at least one electrically conductive routing line (213) integral with said single substrate (202) that connects said control circuitry to said at least 1 addressing electrode (283) (section 0049, lines 6-7 of first column and lines 19-30 of second column) but does not specifically disclose via connectors. Bolken et al. disclose a single semiconductor substrate (claim1, line 1) having said via connectors (26) from

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said bottom surface to said top surface through said single substrate (10) (col. 8, lines 31-35).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 6, 22, and 39, Patel et al. discloses, in figures 2, 3, and 4C, an electromechanical micromirror device (200), wherein said at least one comprises a via through said single substrate (202) and a metallization in said via (section 0049, lines 6-7 of first column and lines 19-30 of second column) but does not specifically disclose via connectors. Bolken et al. disclose a single semiconductor substrate (claim1, line 1) having said via connectors (26) from said bottom surface to said top surface through said single substrate (10) (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 7, 23, and 40, Patel et al. discloses, in figure 6B, an electromechanical micromirror device (200), wherein said single substrate (202) additionally comprises an insulating layer (301 and 307) between said bottom surface and said top surface to function as a silicon (SOI) on oxide substrate (sections 0069, lines 4-5 and 0078, lines 10-14).

Regarding claims 8, 24, and 41, Patel et al. discloses, in figures 2 and 3A-3C, an electromechanical micromirror device (200), wherein said micromirror (201) disposed on said top surface is a metallic mirror (section 0058, lines 5-9 and figure 2) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at

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the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 9, 25, and 42, Patel et al. discloses, in figures 2 and 3A-3C, an electromechanical micromirror device (200), wherein said micromirror (201) disposed on said top surface is a multilayer dielectric mirror (section 0058, lines 5-9) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 10 and 26, Patel et al. discloses, in figures 2 and 3A-3C, an electromechanical micromirror device (200), wherein said micromirror (201) disposed on said top surface further comprising a substantially planar reflective side (210) with neither recesses nor protrusions (figure 2) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 11, 27, and 46, Patel et al. discloses, in figures 2-6B, an electromechanical micromirror device (200), wherein said micromirror (201) disposed on said top surface comprising a reflective surface (210) having no edges perpendicular to a projection direction of an incident light propagation vector onto said single substrate (202) (section 0012, lines 7-12) (figures 2-6) but does not specifically disclose a semiconductor substrate. Bolken et

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al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 12, 28, and 47, Patel et al. discloses, in figure 2, an electromechanical micromirror device (200), wherein said reflective surface (210) of said micromirror (201) disposed on said top surface further comprising a polygon-shaped reflective surface (section 0049, lines 16-24) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 13, 29, and 48, Patel et al. discloses, in figure 2, an electromechanical micromirror device (200), wherein said polygon-shaped reflective surface (210) is selected from the group of reflective surfaces consisting of a rectangle-shaped reflective surface and a hexagon-shaped reflective surface (section 0049, lines 16-24).

Regarding claims 14, 30, and 49, Patel et al. discloses, in figures 2, 3A, and 3B, an electromechanical micromirror device (200), wherein said micromirror section comprises: a torsion hinge (230) disposed underneath and supporting said micromirror support structure (251), and a said torsion hinge (230) comprising a pair of supporting structures (251) for supporting said torsion hinge (230) on said top surface of said substrate (201) (section 0050, lines 3-7) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single

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semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 15, 31, and 50, Patel et al. discloses, in figures 2, 3A, and 3B, an electromechanical micromirror device (200), wherein said micromirror section (215) comprises at least one stopping member (255) disposed on said to surface of said substrate (figure 3B) for limiting the rotation of said micromirror (201) (section 0050, lines 10-15) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claims 16, 32, and 51, Patel et al. discloses, in figures 2, 3A, and 3B, an electromechanical micromirror device (200), wherein said at least one stopping member (255) comprises: a first stopping member (255) for limiting the rotation of said micromirror (201) in a first direction, and a second stopping member (255) for limiting the rotation of said micromirror in a direction opposite to said first direction (section 0050, lines 10-19).

Regarding claim 17, Patel et al. discloses, in figures 2 and 3A, an array of electromechanical micromirror device (200) comprising: a single substrate (202) with a bottom surface and a top surface opposite said bottom surface (figure 2); a control circuitry (not shown, figure 2 shows the second surface of the device substrate), and an array micromirror sections

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(215) disposed on said 2nd surface of said substrate, wherein said micromirror section (215) comprises a micromirror (201), and a support structure (230) for supporting said micromirror (201) (section 0047, lines 6-13 and 0048, lines 1-6) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate and connectors opened through said single substrate for connecting said control circuit to said support structure. Bolken et al. disclose a single semiconductor substrate (claim1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14) and connectors (26) opened through said single substrate (10) for connecting said control circuit to said support structure (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claim 18, Patel et al. discloses, in figures 2 and 3A, an array of electromechanical micromirror device (200), comprising a plurality of electromechanical micromirror devices (200) disposed in a one-dimensional or 2- dimensional array (section 0053), wherein said control circuitry comprising a circuit selected from the group consisting of: CMOS circuits, NMOS circuits, PMOS circuits, bipolar circuits, BiCMOS circuits, DMOS circuits, HEMT circuits, amorphous silicon thin film transistor circuits, polysilicon thin film transistor circuits, SiGe transistor circuits, SiC transistor circuits, GaN transistor circuits, GaAs transistor circuits, InP transistor circuits, CdSe transistor circuits, organic transistor circuits, and conjugated polymer transistor circuits (section 0043, lines 5-9) but does not specifically disclose the control circuitry on the bottom surface of said substrate Bolken et al. disclose a single

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semiconductor substrate (claim1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claim 33, Patel et al. discloses, in figures 2 and 3A, a spatial light modulator (SLM) (section 0045, lines 1-2) comprising an array of electromechanical micromirror device (200), comprising: a single substrate (202) with a bottom surface and a top surface opposite said bottom surface; control circuitry (not shown, figure 2 shows the second surface of the device substrate), and an array micromirror section (201) disposed on said second surface of said single substrate, wherein said micromirror section (215) comprises: a micromirror (201), and at least one support structure (230) for supporting said micromirror (201) (section 0047, lines 6-13) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate and connectors opened through said single substrate for connecting said control circuit to said support structure. Bolken et al. disclose a single semiconductor substrate (claim1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14) and connectors (26) opened through said single substrate (10) for connecting said control circuit to said support structure (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

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Regarding claim 34, Patel et al. discloses, in figures 2 and 3A, a method of fabricating an array of electromechanical micromirrors (200), comprising the steps of: providing a single substrate (202) with a bottom surface and a top surface opposite said bottom surface; forming control circuitry (not shown, figure 2 shows the second surface of the device substrate), and forming a plurality of support structures (230) on said second surface of said single substrate (202) and forming a plurality of micromirrors (215) on top of and supported by said support structures (230) (section 0047, lines 6-13 and 0048, lines 1-6) but does not specifically disclose wherein the control circuitry is disposed on said bottom surface of said single substrate Bolken et al. disclose a single semiconductor substrate (claim1, line 1) wherein the control circuitry (20) is disposed on said bottom surface of said single substrate (10) (col. 8, lines 9-14) and connectors (26) opened through said single substrate (10) for connecting said control circuit to said support structure (col. 8, lines 31-35). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claim 43, Patel et al. discloses, in figures 5B and 5C, a method of fabricating an array of electromechanical micromirror devices (200), wherein said step of forming on said top surface said micromirrors comprises the steps of: forming said plurality of micromirror support structures (230) embedded in a sacrificial layer (sections 0011, lines 1-10, 0013, lines 3-6, and 0062, lines 5-7), planarizing a top surface of said sacrificial layer and said micromirror support structures (230) (sections 0011, lines 1-10, 0013, lines 3-6, and 0062, lines 5-7), depositing a micromirror material on said top surface (section 0062, lines 5-10); patterning said

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micromirror material to form a plurality of micromirrors (section 0068, lines 1-12), and removing said sacrificial layer by an etching process (section 0063, lines 1-4 and 0068, lines 1-12) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claim 44, Patel et al. discloses, in figures 5B and 5C, a method of fabricating an array of electromechanical micromirror devices (200), wherein said step of forming said microstructures in said sacrificial layer further comprising a step of forming on said top surface said microstructures in a layer composed of a material selected from the group of materials consisting of a photoresist polymer, a silicon oxide, a silicon nitride, a silicon oxynitride, and an amorphous silicon (section 0062, lines 15-18) but does not specifically disclose a semiconductor substrate. Bolken et al. disclose a single semiconductor substrate (claim1, line 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the device of Patel et al. with the circuitry of Bolken et al. for the purpose of electrically interconnecting the device (col. 8, lines 9-14 and lines 31-35).

Regarding claim 45, Patel et al. discloses, in figures 5B and 5C, a method of fabricating an array of electromechanical micromirror devices (200), wherein said planarizing step of planarizing said top surface of said sacrificial layer further comprising a step of applying a chemical mechanical polishing (CMP) process (section 0062, lines 18-27).

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3. Claims 52-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US 2004/0125347) in view of Bolken et al. (6576496 B1) in view of Chiu et al. (6639713 B2) in further view of Ishii (6903860 B2).

Regarding claim 52, Patel et al. discloses a method of fabricating an array of electromechanical micromirrors, comprising the steps of: forming control circuitry (not shown, figure 2 shows the second surface of the device substrate); forming a plurality of support structures (230) on a surface of said insulation layer opposite said epitaxial top silicon layer followed by forming a plurality of micromirrors (201) on top of and supported by said support structures (230) (sections 0047, lines 6-13 and 0048, lines 1-6) except that it does not show providing a silicon-on-insulator substrate with an epitaxial top silicon layer, an insulator layer, and a bottom silicon layer forming control circuitry on said epitaxial top silicon layer, removing said bottom silicon layer, thereby exposing the insulator layer or forming the control circuitry directly on said epitaxial top silicon layer. Chiu et al. shows that it is known to provide a silicon-on-insulator substrate with an epitaxial top silicon layer (321), an insulator layer (323), and a bottom silicon layer (324) on said epitaxial top silicon layer, removing said bottom silicon layer, thereby exposing the insulator layer for at least partially intercepting a light beam propagating along a beam path (col. 15, lines 51-53 and col. 21, lines 37-52). Therefore it would have been obvious to some of ordinary skill in the art at the time the invention was made to combine the device of Patel et al. with the silicon-on-insulator substrate of Chiu et al. for the purpose of at least partially intercepting a light beam propagating along a beam path (col. 15, lines 51-53 and col. 21, lines 37-52). Ishii discloses forming the control circuitry (704) directly on said epitaxial top silicon layer (703) (col. 9, lines 17-22). Therefore it would have been obvious to one having

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ordinary skill in the art at the time of the invention to combine the device of Patel with the circuitry and epitaxial layer of Ishii for the purpose of using applications requiring high frequencies or voltages (col. 9, lines 17-22).

Regarding claim 53, Patel et al. discloses, in figures 6A-6H, a method of fabricating an array of electromechanical micromirror devices, wherein said step of forming said control circuitry comprises a step of fabricating said control circuits selected from a group consisting of: CMOS circuits, NMOS circuits, PMOS circuits, bipolar transistor circuits, BiCMOS circuits, and DMOS circuits (section 0043, lines 7-8).

Regarding claim 54, Patel et al. discloses a method of fabricating an array of electromechanical micromirror devices, including a step of removing said bottom silicon layer below said insulation layer but does not specifically disclose removing the bottom silicon layer by backgrinding. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the process of backgrinding for the purpose of ensuring the eradication of the silicon layer on the substrate.

Regarding claim 55, Patel et al. discloses, in figures 6A-6H, a method of fabricating an array of electromechanical micromirror devices, wherein said step of removing said bottom silicon layer comprises a step of applying a chemical mechanical polishing (CMP) step to remove bottom silicon layer below said insulation layer (section 0062, lines 18-27).

Regarding claim 56, Patel et al. discloses, in figures 6A-6H, a method of fabricating an array of electromechanical micromirror devices, additionally comprises a step of forming a plurality of addressing electrodes (283) for actuating said plurality of micromirrors (201) on a

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surface of said insulation layer opposite said epitaxial top silicon layer (section 0049, lines 6-7 of first column and lines 19-30 of second column).

Regarding claim 57, Patel et al. discloses, in figures 2, 3A, and 6A-6H, a method of fabricating an array of electromechanical micromirror devices, additionally comprising a step of forming a plurality electrically conductive routing lines (213) for connecting said control circuitry disposed in said epitaxial top silicon layer to said plurality of addressing electrodes (283) disposed below said insulation layer (section 0049, lines 6-7 of first column and lines 19-30 of second column).

Regarding claim 58, Patel et al. discloses, in figures 2, 3, and 4C, an electromechanical micromirror device (200), wherein said step of forming said plurality of electrically conductive routing lines (213) comprises the steps of: forming at least one via through said substrate (202) and forming a metallization in said via for connecting said control circuitry in said epitaxial top silicon layer to said plurality of addressing electrodes disposed below insulation layer (section 0049, lines 6-7 of first column and lines 19-30 of second column).

Regarding claim 59, Patel et al. discloses, in figures 5B and 5C, a method of fabricating an array of electromechanical micromirror devices (200), wherein said step of forming said micromirrors comprises the steps of: forming said plurality of micromirror support structures (230) embedded in a sacrificial layer below said insulation layer opposite said epitaxial top silicon layer; (sections 0011, lines 1-10, 0013, lines 3-6, and 0062, lines 5-7), planarizing a top surface of said sacrificial layer and said micromirror support structures (230) (sections 0011, lines 1-10, 0013, lines 3-6, and 0062, lines 5-7), depositing a micromirror material on said top surface of said sacrificial layer (section 0062, lines 5-10); patterning said micromirror material to

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form a plurality of micromirrors (section 0068, lines 1-12), and removing said sacrificial layer by an etching process (section 0063, lines 1-4 and 0068, lines 1-12).

Regarding claim 60, Patel et al. discloses, in figures 5B and 5C, a method of fabricating an array of electromechanical micromirror devices (200), wherein said planarizing step of planarizing said top surface of said sacrificial layer further comprising a step of applying a chemical mechanical polishing (CMP) process (section 0062, lines 18-27).

Response to Arguments

1. Applicant's arguments with respect to claims 1-60 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/
Examiner
Art Unit 2873

BNT
December 2, 2008

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